

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO

* * *

RE: FOURTH DISTRICT JURY TRIALS

ADMINISTRATIVE ORDER

NO. 21-09-17

The Idaho Supreme Court's June 25, 2021 Amended Order Re: Emergency Order Regarding Court Services provides:

Jury proceedings, including jury trials and grand jury proceedings, may commence anytime during a calendar week unless the Administrative District Judge has determined that the county in which the prospective juror has been summoned to attend court has a seven-day moving average incidence rate of confirmed or presumed cases of COVID-19 of 25.0 or greater per 100,000 population as reflected on the Cases by County page of the Idaho Department of Health and Welfare's COVID-19 Data Dashboard available at www.coronavirus.idaho.gov[.]¹

The Administrative District Judge's determination described in this paragraph shall be **based on the weekly COVID-19 incident rates for that county published ten (10) days prior to the calendar week in which the jury trial is scheduled to occur.** *Id.* at 3-4. (emphasis added).

This order utilizes the data issued at the end of business on Thursday, September 16, 2021, when the daily state and county COVID-19 case numbers were released online by the Idaho Department of Health and Welfare, for each of the counties in this district, as noted hereinafter.²

¹"Once a trial has commenced, it should continue to verdict unless, in the discretion of the assigned judge, a significant increase in the weekly COVID-19 incidence rate or other local COVID-19 incident or public health action justifies a temporary suspension of the trial. Any order in this regard must be supported with written findings." Idaho Supreme Court's June 25, 2021 Amended Order Re: Emergency Order Regarding Court Services, at 4. See *also* Idaho Supreme Court's September 10, 2020 Order Re: Commencement of Jury Trials, at 1 ("[T]he word 'commence' means the first day members of a jury venire are required to physically appear at a courthouse or designated facility.").

²This order applies to the calendar week of September 27, 2021. For the suspension of jury trials prior to this time, see Administrative Order No. 21-09-15.

1. Ada County

Ada County had a seven-day moving COVID-19 case average of 26.3 per 100,000 population. Ada County jury trials remain suspended.³

2. Boise County

Boise County had a seven-day moving COVID-19 case average of 16.4 per 100,000 population. Effective September 27, 2021, jury trials may resume in Boise County.

3. Elmore County

Elmore County had a seven-day moving COVID-19 case average of 30.1 per 100,000 population. Elmore County jury trials remain suspended.

4. Valley County

Valley County had a seven-day moving COVID-19 case average of 21.3 per 100,000 population. Effective September 27, 2021, jury trials may resume in Valley County.

Hospitals are in crisis standards throughout the state.⁴ The Court will continue to assess the COVID-19 situation and may preclude jury trials in Boise County and Valley County for the week of September 27, 2021, by further order.

IT IS SO ORDERED.

Dated this 17th day of September 2021.

DocuSigned by:
Judge Steven Hippler
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HONORABLE STEVEN J. HIPPLER
Administrative District Judge

³[T]he time used to calculate the right to a speedy trial pursuant to I.C. § 19-3501 shall be deemed to have been tolled for those counties affected by said order [of suspension of jury trials].” Idaho Supreme Court’s June 25, 2021 Amended Order Re: Emergency Order Regarding Court Services, at 4.

⁴<https://healthandwelfare.idaho.gov/news/idaho-expands-crisis-standards-care-statewide-due-surge-covid-19-patients-requiring-0>.

cc: All Judges

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